

Dominic J. Picca  
MINTZ LEVIN COHN FERRIS  
GLOVSKY and POPEO, P.C.  
Chrysler Center  
666 Third Avenue  
New York, New York 10017  
(212) 935-3000  
dpicca@mintz.com

*Attorneys for Defendants*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
THE PRUDENTIAL INSURANCE  
COMPANY OF AMERICA,

Plaintiff,

vs.

J. RONALD TERWILLIGER, WILLIAM C.  
MACDONALD, JOSEPH S. TORG, and CFP  
RESIDENTIAL, L.P.

Defendants.  
----- X

07 CV 8497 (DAB)

**NOTICE OF MOTION FOR  
ADMISSION PRO HAC VICE**

FILED  
U.S. DISTRICT COURT  
2007 NOV 29 PM 3:37

PLEASE TAKE NOTICE that upon the annexed Declaration of Dominic J. Picca dated November 28, 2007 and the exhibits annexed thereto, Dominic J. Picca respectfully moves this Court for an Order pursuant to Rule 1.3(c) of the Local Rules of this Court, admitting R. Robert Popeo, Esq., Timothy J. Langella, Esq., and Joseph D. Lipchitz, Esq., pro hac vice for all purposes in this matter as counsel for defendants J. Ronald Terwilliger, William C.

MacDonald, Joseph S. Torg and CFP Residential, L.P.

Dated: November 28, 2007  
New York, New York

MINTZ LEVIN COHN FERRIS  
GLOVSKY and POPEO, P.C.

By: 

Dominic A. Picca

Chrysler Center  
666 Third Avenue  
New York, New York 10017  
(212) 935-3000  
dpicca@mintz.com

*Attorneys for Defendants.*

To: Christopher J. Garvey, Esq.  
Goodwin Procter LLP  
599 Lexington Avenue  
New York, New York 10022

and

Anthony M. Feeherry  
Brian H. Mukherjee  
Goodwin Procter, LLP  
Exchange Place  
Boston, Massachusetts 02109

*Attorneys for Plaintiff*

Dominic J. Picca  
MINTZ LEVIN COHN FERRIS  
GLOVSKY and POPEO, P.C.  
Chrysler Center  
666 Third Avenue  
New York, New York 10017  
(212) 935-3000  
dpicca@mintz.com

*Attorneys for Defendants*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X
THE PRUDENTIAL INSURANCE	:
COMPANY OF AMERICA,	: 07 CV 8497 (DAB)
	:
Plaintiff,	: <b>DECLARATION OF DOMINIC PICCA</b>
vs.	: <b>IN SUPPORT OF MOTION FOR</b>
	: <b>ADMISSION PRO HAC VICE OF</b>
J. RONALD TERWILLIGER, WILLIAM C.	: <b>R. ROBERT POPEO, ESQ., TIMOTHY</b>
MACDONALD, JOSEPH S. TORG, and CFP	: <b>LANGELLA, ESQ., AND JOSEPH D.</b>
RESIDENTIAL, L.P.	: <b>LIPCHITZ, ESQ.</b>
Defendants.	:
	:
-----	X

Dominic J. Picca, pursuant to 28 U.S.C. § 1746, declares:

1. I am a member in good standing of the bars of the State of New York and of the United States District Court of the Southern District of New York. I am a member of Mintz Levin Cohn Ferris Glovsky and Popeo, P.C., ("Mintz Levin"), attorneys for defendants J. Ronald Terwilliger, William C. Macdonald, Joseph S. Torg, and CFP Residential, L.P. in the above-captioned matter. I submit this Declaration in support of the motion for admission pro hac vice of R. Robert Popeo, Esq., Timothy J. Langella, Esq., and Joseph D. Lipchitz, Esq.

2. R. Robert Popeo is a member of Mintz Levin Cohn Ferris Glovsky and Popeo, P.C., One Financial Center, Boston, MA 02111, (617) 542-6000, [rpopeo@mintz.com](mailto:rpopeo@mintz.com). Mr. Popeo is a member in good standing of the Bar of the Commonwealth of Massachusetts and is admitted to practice in the United States District Court for the District of Massachusetts. Attached as Exhibit 1 is a good standing certificate from the United States District Court for the District of Massachusetts.

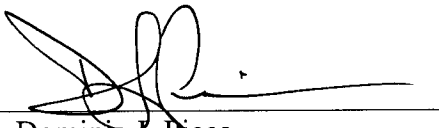
3. Timothy J. Langella is a member of Mintz Levin Cohn Ferris Glovsky and Popeo, P.C., One Financial Center, Boston, MA 02111, (617) 542-6000, [tlangella@mintz.com](mailto:tlangella@mintz.com). Mr. Langella is a member in good standing of the Bar of the Commonwealth of Massachusetts and is admitted to practice in the United States District Court for the District of Massachusetts. Attached as Exhibit 2 is a good standing certificate from the United States District Court for the District of Massachusetts.

4. Joseph D. Lipchitz is a member of Mintz Levin Cohn Ferris Glovsky and Popeo, P.C., One Financial Center, Boston, MA 02111, (617) 542-6000, [jdlipchitz@mintz.com](mailto:jdlipchitz@mintz.com). Mr. Lipchitz is a member in good standing of the Bar of the Commonwealth of Massachusetts and is admitted to practice in the United States District Court for the District of Massachusetts. Attached as Exhibit 3 is a good standing certificate from the United States District Court for the District of Massachusetts.

5. For these reasons, I respectfully request that the Court execute the annexed proposed Order of Admission Pro Hac Vice and thereby admit Messrs. Popeo, Langella and Lipchitz pro hac vice in this action, pursuant to Rule 1.3 of the Local Civil rule of this Court.

6. I declare under penalty of perjury that the foregoing is true and correct. Executed on November 28, 2007.

Dated: November 28, 2007  
New York, New York

By:   
Dominic J. Picca

4200023v.1

UNITED STATES DISTRICT COURT

DISTRICT OF

MASSACHUSETTS

**CERTIFICATE OF  
GOOD STANDING**

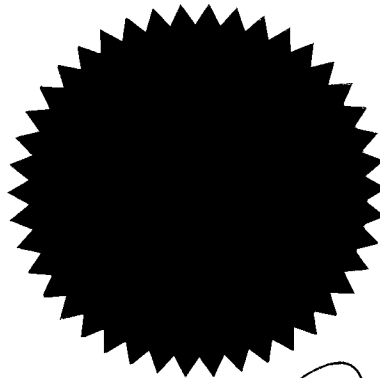
I, Sarah A. Thornton, *Clerk of this Court*,  
*certify that* **R. Robert Popeo**, Bar # 403360,

*was duly admitted to practice in this Court on*

November 5, 1962, *and is in good standing*  
*DATE*

*as a member of the Bar of this Court.*

*Dated at* Boston, Massachusetts *on* November 2, 2007 .  
*LOCATION DATE*



Sarah A. Thornton  
*CLERK*

*[Signature]*  
*DEPUTY CLERK*

UNITED STATES DISTRICT COURT

DISTRICT OF

MASSACHUSETTS

**CERTIFICATE OF  
GOOD STANDING**

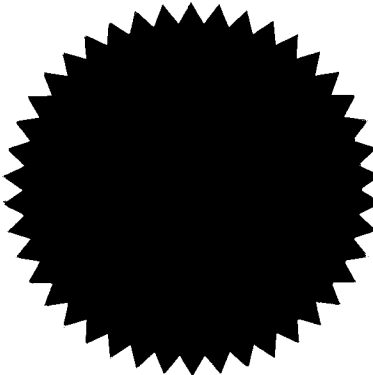
I, Sarah A. Thornton, *Clerk of this Court*,  
*certify that* **Timothy J. Langella**, Bar # 542017,

*was duly admitted to practice in this Court on*

March 27, 1984, *and is in good standing*  
*DATE*

*as a member of the Bar of this Court.*

*Dated at* Boston, Massachusetts *on* November 2, 2007 .  
*LOCATION DATE*



Sarah A. Thornton  
*CLERK*

*Judith A. Lita*  
*DEPUTY CLERK*

UNITED STATES DISTRICT COURT

DISTRICT OF

MASSACHUSETTS

**CERTIFICATE OF  
GOOD STANDING**

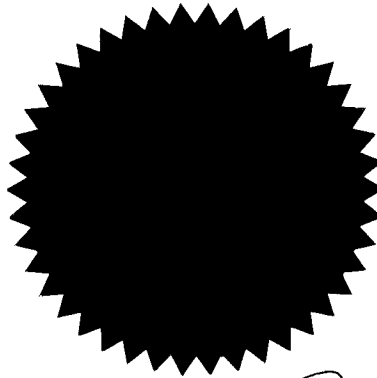
I, Sarah A. Thornton, *Clerk of this Court*,  
certify that **Joseph D. Lipchitz**, Bar # 632637,

*was duly admitted to practice in this Court on*

March 17, 2000, *and is in good standing*  
*DATE*

*as a member of the Bar of this Court.*

*Dated at* Boston, Massachusetts *on* November 2, 2007 .  
*LOCATION DATE*



Sarah A. Thornton  
*CLERK*

*Spencer Quinn*  
*DEPUTY CLERK*

**AFFIDAVIT OF SERVICE**

State of New York     )  
                                  ) SS.:  
County of New York    )

ELAINE FREIRE, being duly sworn deposes and says:

1.     I am over the age of eighteen, not a party to this action, and am employed by Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C., attorneys for defendants herein.

2.     On the 29<sup>th</sup> day of November, 2007, I caused to be served true and correct copies of the within NOTICE OF MOTION FOR ADMISSION PRO HAC VICE and the ORDER ADMITTING COUNSEL PRO HAC VICE, by first class mail to the following:

To: Christopher J. Garvey, Esq.  
Goodwin Procter LLP  
599 Lexington Avenue  
New York, New York 10022


and

Anthony M. Feeherry  
Brian H. Mukherjee  
Goodwin Procter, LLP  
Exchange Place  
Boston, Massachusetts 02109

*Attorneys for Plaintiff*

  
ELAINE FREIRE

Sworn to before me  
this 27<sup>th</sup> day of November 2007

  
Notary Public  
RAYMOND P. CORONA  
Notary Public, State of New York  
No. 4955992

4201078v.1

Qualified in New York County  
Commission Expires Sept. 11, 20 09

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
THE PRUDENTIAL INSURANCE :  
COMPANY OF AMERICA, : 07 CV 8497 (DAB)

Plaintiff, :

vs. :

J. RONALD TERWILLIGER, WILLIAM C. :  
MACDONALD, JOSEPH S. TORG, and CFP :  
RESIDENTIAL, L.P. :

Defendants. :  
: X  
-----

**ORDER ADMITTING COUNSEL *PRO HAC VICE***

Upon consideration of the Notice of Motion for Admission *Pro Hac Vice* R. Robert Popeo. Esq., Timothy J. Langella, Esq., and Joseph D. Lipchitz, Esq., dated November 28, 2007 and the accompanying Declaration of Dominic J. Picca, dated November 28, 2007 it is hereby:

**ORDERED** that, pursuant to Local Civil Rule 1.3(c) of the Local Rules of this Court, R. Robert Popeo. Esq., Timothy J. Langella, Esq., and Joseph D. Lipchitz, Esq., are hereby admitted *pro hac vice* to the Bar of this Court for the purpose of representing Defendants J. Ronald Terwilliger, William C. Macdonald, Joseph S. Torg, and CFP Residential, L.P., in the above-captioned proceeding.

\_\_\_\_\_  
United States District Judge

Dated: \_\_\_\_\_, 2007